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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

IT IS SO ORDERED AS MODIFIED

19 IBIZ, LLC, a California Limited Liability
20 Company,

21 Plaintiff,

22 vs.

23 CITY OF HAYWARD, a California
municipal corporation,

24 Defendant
25

Case No. CV 13 1537 SC

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CMC FOR SIXTY
DAYS**

Date of CMC: November 21, 2014

Time: 10:00 a.m.

Place: Courtroom 1

26 Pursuant to Local Rule 16-10(c), Plaintiff IBIZ, LLC ("Plaintiff" or "IBIZ") and
27 Defendant the City of Hayward ("Defendant" or the "City") hereby submit this Stipulation and
28

1 [Proposed] Order to continue the Case Management Conference presently set in this Court for
2 November 21, 2014 at 10 a.m. to January 20, 2014, at 10 a.m., and to establish a deadline of 30
3 days following the conclusion of any ADR proceeding(s) in this case for the filing of any
4 attorneys fees motions.

5 As set forth in paragraph 16 of the Joint Case Management Statement (Doc. 55) filed on
6 January 31, 2014, "Whether an attorneys fees motion need be filed will not be determined until
7 after the conclusion of the ADR [proceedings]." Consequently, this Court previously ordered on
8 February 18, 2014, that the filing of any attorneys fees motion be scheduled to occur no later than
9 30 days after the conclusion of any ADR proceedings.

10 The current status of the ADR proceedings is that the matter is presently set for a
11 settlement conference before magistrate Laurel Beeler in Department C of this court at 10:30 a.m.
12 on December 17, 2014.

13 Since the merits of this case are now moot, and since the parties are in agreement as to
14 how to proceed regarding attorneys fees, there would no longer seem to be a purpose for holding
15 the presently scheduled Case Management Conference, at least prior to the time (following the
16 ADR proceedings) that the parties conclude it may become necessary to file attorneys fees
17 motions in order to resolve the outstanding attorneys fees issues. Since this court issued its Order
18 of September 15, 2014 (establishing the Current Case Management Conference date), the parties
19 have been diligently exchanging attorneys fees information and records in an attempt to arrive at
20 a non-judicial resolution of Plaintiff's attorneys fees claim . At this time, the parties have not
21 reached such a conclusion but believe that an additional sixty days to work out the details will
22 likely be sufficient. For this reason, the parties mutually agree that holding the currently
23 scheduled Case Management Conference at this stage would be premature and request that the
24 Court reschedule the Case Management Conference to January 20, 2015 with the Case
25 Management Statement due no later than January 13, 2015.

WESTON, GARROU & MOONEY

DATED: November 13, 2014

By: /s John H. Weston
JOHN H. WESTON
Attorney for Plaintiff
IBiz, LLC

DATED: November 13, 2014

MICHAEL S. LAWSON, CITY ATTORNEY

By: s/ Michael G. Vigilia (as authorized on 1/31/14)
MICHAEL G. VIGILIA
Assistant City Attorney, City of Hayward
Attorney for Defendant City of Hayward

ORDER

(1) The Case Management Conference presently set for November 21, 2014 in this case is continued to January ¹⁶~~20~~, 2015 at 10:00 a.m.

(2) Per this Court's order of February 18, 2014 (Doc. 57), any fees motions shall be filed within 30 days following the conclusion of any ADR proceedings; and

(3) Per this Court's order of February 18, 2014 (Doc. 57), any party seeking attorneys fees shall file, within 5 days of the conclusion of such ADR proceedings, a Supplemental Status Report, notifying the court of the conclusion of such proceedings.

DATED: November 14, 2014

